

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

COURTNEY TAYLOR
U.S. Department of Justice
Environment and Natural Resource Div.
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Attorney for Defendants

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MAY 25 2007

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SUE BEITIA, CLERK

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CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

THE OCEAN CONSERVANCY, <u>et al.</u> ,)	
)	
Plaintiffs,)	Civil No. 02-00393 (ACK) (LEK)
)	
V.)	JOINT STIPULATION SETTLING
)	PLAINTIFFS' CLAIMS FOR
NATIONAL MARINE FISHERIES)	ATTORNEYS FEES & COSTS
SERVICE, <u>et al.</u> ,)	
)	
Defendants.)	

WHEREAS Plaintiffs The Ocean Conservancy, Turtle Island Restoration Network, and the Center for Biological Diversity ("Plaintiffs") filed this action on June 27, 2002 against the National Marine Fisheries Service ("NFMS"), U.S. Department of Commerce, and Donald Evans ("Defendants") to challenge NFMS' permit authorizing testing of longline fishing methods; and

WHEREAS on July 13, 2005 this Court entered a stipulated settlement agreement including attorney fees and costs incurred as of the date of the settlement agreement; and

WHEREAS on February 21, 2006, this Court entered an order granting Plaintiffs' motion to vacate its November 22, 2002 Order on Plaintiffs' motion for preliminary injunction; and

WHEREAS the parties have conferred and negotiated in good faith Plaintiffs' claims for attorney fees and costs associated with the motion to vacate and have now

reached agreement on a reasonable amount of attorney fees and costs;

WHEREAS in consideration of the terms outlined below, the parties believe it is in their best interest to enter into this stipulation settling Plaintiffs' claims for attorneys' fees and costs,

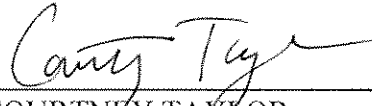
NOW IT IS THEREFORE STIPULATED:

1. Defendants agree to settle all of Plaintiffs' claims for costs and attorneys' fees in the above-captioned litigation for a total of \$5,000.00. The check for \$5,000.00 shall be made payable to "Earthjustice" and sent to Paul Achitoff, Earthjustice, 223 South King Street, Suite 400, Honolulu, HI 96813.
2. Defendants agree to submit all necessary paperwork for the administrative processing of the payment in paragraph 1 within ten (10) business days of receipt of the signed court order approving this stipulation.
3. Plaintiffs agree to accept payment of \$5,000.00 in full satisfaction of any and all claims for attorneys' fees and costs of litigation to which Plaintiffs may be entitled in the above-captioned litigation, through and including the date of this agreement.
4. The undersigned representatives of each party certify that they are fully authorized by the party or parties they represent to execute this stipulation.
5. By entering into this stipulation, Defendants do not waive any right to contest fees claimed by Plaintiffs or Plaintiffs' counsel, including the hourly rate, in any future litigation. Further, this stipulation as to attorneys' fees and costs has no precedential value and shall not be used as evidence in any other attorneys' fees litigation.

6. The parties agree that the Court's approval of this stipulation shall resolve the final outstanding issue in this case.

Executed this 23rd day of May, 2007.

By,



COURTNEY TAYLOR

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UNITED STATES DISTRICT COURT
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THE OCEAN CONSERVANCY, et al.,

Plaintiffs,

V.

NATIONAL MARINE FISHERIES
SERVICE, et al.,

Defendants.

Civil No. 02-00393 (ACK) (LEK)

JOINT STIPULATION SETTLING
PLAINTIFFS' CLAIMS FOR
ATTORNEYS FEES & COSTS

APPROVED AND SO ORDERED:

Alan C Kay
Judge Alan C. Kay